

**Town of Moretown
Office of the SELECT BOARD**

DRAFT – Notice of unapproved minutes of the 11/19/12 selectboard meeting

4:00 p.m. site visit – Longley Road - There was a site visit beginning on Longley Road where a logging operation/landing on property owned by Edward Buttolph is planned. Mr. Buttolph petitioned the selectboard to lay-out a temporary logging road across properties owned by Linda Vantine, to skid logs for the operation. Attendance included: E. Buttolph, T. Powers, L. Vantine, D. Barra, D. Rogers, T. Martin, C. Amadon, R. Korrow, C. Merriman – all of which are further described at the public hearing.

6:00 p.m.– The selectboard meeting commenced at the town offices by Tom Martin calling the meeting to order.

Board members in attendance were: Clark Amadon, Reed Korrow, John Hoogenboom, Michelle Beard, Tom Martin (although not all were present for the 4:00 p.m. site walk)

Guests present for the selectboard meeting included: Scott Baughman, Lisa Ransom, Jonathan Siegel, Chris Joyal, Raymond Munn, Dean Moulton, Martin Cameron, Charles Merriman council for the Town, Cheryl Brown as assistant to the board.

Public Comment:

Chris Joyal – came in tonight to find out where his Road Maintenance Permit application is that he filled out and submitted earlier this year.

Reed said he will speak with Martin about the permit, he didn't before, but he did speak with Martin about Chris's statements at the last meeting about the excavator being in the brook and about Ward Brook being closed without signage or notice. Reed said Martin told him that he spoke with the State about having the excavator in the brook, and that Ward Brook was closed for no more than 15 minutes.

Chris said that the road was definitely closed for more than 15 minutes.

Raymond Munn - asked since the town is going to plow the school yard, why did WWSU put the expenditure in their budget?

The board wondered if at this point the town agreed to maintain the parking lot this year only, if the WWSU budget is for 2014.

Ray didn't think so and thinks there is the possibility for a double budgeting. Ray asked the board to check into it.

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Jonathan Siegel – Planning Commission Chairman – came in with a request from the Planning Commission that the selectboard adopt interim zoning to add wording to Section 4.1 – Access and Frontage Requirements, that would allow the Zoning Administrator authority to review and approve proposed additions to an existing structure, or an accessory structure, so long as the application otherwise complies with all other provisions in the Zoning Regulations.

The board will publish the wording for the proposed adoption and hold a public hearing on 12/17/12 to make the adoption.

Request to be appointed to the Planning Commission – Bridgette Remington sent a letter requesting appointment to the Planning Commission. Clark read the letter aloud.

Tom moved; seconded by Clark to appoint Bridgette Remington to the Planning Commission. All were in favor.

Approval of Minutes:

11/5/12 – Clark moved; seconded by Reed to approve the minutes of 11/5/12 as written.

John noted a comment that was made at the 11/5 meeting by a member of the Route 2 Group that the town encouraged residential growth in the landfill area and thereby created the current problem for the homeowners surrounding the landfill. John clarified that Route 2 is zoned commercial, but because the Zoning Regulations and the Town Plan allow for residential building in the commercial district, houses were built by private individuals years ago and sold. The town did not promote residential use of the commercial district as was stated.

Jonathan said the Planning Commission is talking about revising the Zoning Regulations so that new applications for residential development in the commercial district would require review by the Development Review Board. Existing structures would be grandfathered.

Vote: John, Tom, Clark and Reed were in favor of approving the 11/5/12 minutes. Michelle abstained as she was absent.

Reports & Communications, Announcements:

State Police Advisory Board – David Van Deusen advised that because of his work, he will no longer be able to be the town’s representative on the State Policy Advisory Board.

John will ask Clarence Wood if he is interested in attending the meetings.

Martha Douglass – called earlier this week and asked that tonight’s meeting minutes reflect that the Route 2 Group is not in support of re-opening cell 2.

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CVRPC applies for a Community Development Block disaster recovery grant – Notice from Dan Currier from Central Vermont Regional Planning Commission (CVRPC), that they intend to apply for a block grant to do a study of the areas in , Moretown, Middlesex, Duxbury and Waterbury along the Mad River and the Winooski River flooded by Tropical Storm Irene. CVRPC is asking each of the 4 towns to contribute \$2500, which is CVRPC’s 10% match for the grant. The study would produce data such as:

- Preparedness – “What-if” scenarios
- Timely Response – tied to real-time gage and forecast information
- Recovery – damage assessment
- Mitigation and Planning
- Environmental and Ecological Assessments – wetland identification, hazardous spill cleanup
- Identify vulnerable infrastructure

There was discussion: that with the recent request to town departments that they try cut their budgets, it is a tough year to ask voters for an additional \$2500 for this grant; the information might be useful at some point but not now; and support of the study is not the issue, the \$2500 is.

Cheryl will let Dan know the town will not commit to allocating the \$2500.

Letter from Calvin Blodgett regarding a tree near his property – The town received a certified letter from Calvin Blodgett about his concern with a tree near their home that he feels is unstable as a result of town ditching maintenance. John (as Tree Warden) was forwarded the letter.

John reported having spoken with one of the Town of Northfield’s Road Foreman Patrick Demasis, who indicated the tree was not in the Town of Moretown’s jurisdiction, but it is in Green Mountain Power’s jurisdiction. In any case after looking at the tree in question, Patrick does not think there is a danger of the tree coming down, and neither does John. Calvin will be sent a letter to that fact.

Speed Limit Study Requested on Route 2 between Middlesex and Waterbury – Notice of a Traffic Committee meeting on Tuesday, November 27th to hear testimony on the Town’s request to lower the speed limit from 50 m.p.h. to 40 m.p.h. between Middlesex and Gallagher Acres.

Michelle moved; seconded by Reed, to allow John Hoogenboom speak on behalf of the selectboard at the Traffic Committee meeting to be held on 11/27/12. All were in favor.

MLI cell IV expansion - Vermont Digger/Times Argus – John reported a call from the business magazine VTDigger, asking about Moretown Landfill’s cell IV expansion. Tom reported getting a call from the Times Argus about tipping fees paid to the town by MLI.

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Budget reduction request - John reported a call from Kaj Samsom (schoolboard chair). He said Kaj had concerns about the 20 – 25% budget cut request forwarded to departments from Tom Martin. Kaj wondered if the cuts were the opinion of the selectboard, and how the cuts might impact town services.

Tom advised he sent the email so all town departments are aware of the potential financial impacts with the 80% trash reduction, and so they would take a closer look at their budgets. The board doesn't anticipate the cuts impacting essential town services.

Rachel Goff of the Valley Reporter - Rachel's reporting is accurate and the board thanked Rachel for doing a great job.

Community dinner at the school – Michelle reported a community dinner organized by Sarah Nussbaum was a great success. Probably 50 or so attended and most likely there will be another dinner planned.

New signage on the Moretown Mountain Road – Reed reported that there is a lot of new signage, including warning signage, on the Mountain Road as a result of the safety study. There will be no cost to the town. The new signage was based on accident history, and will be completed in 2013.

OLD BUSINESS:

Hurdle Road signage – John said Frank has done a tremendous amount of trimming on the hedge and the sign visibility looks ok to him.

Ray Munn said the sign is in the town right of way – there is a sign you can't see – the trees should be cut.

Michelle thinks the sign is visible now.

Tom questioned whether or not oncoming traffic visibility is ok.

John thought yes, but he will meet with the fellow from the VTrans for his opinion.

Town office committee report – Clark reported that he and John Schmeltzer met with Henry Erickson to work on the scope change documents to move the town office to a new location. Clark sent a draft cover letter to Steve Garten (SAIC consultant), but hasn't heard from him with any comments. The group continues to gather information for the documents FEMA requested to approve the scope change. Once complete, the documents will be hand delivered to FEMA. The object is to get as much money as possible from FEMA to relocate and build a new town office. The committee meets again on December 1st.

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7:00 Hearing for Buttolph Petition requesting the selectboard to lay out a temporary logging road across Vantine land in accordance with Title 19, Section 923 and 958 of Vermont State Statutes.

Guests present at the 7:00 p.m. Public Hearing re: Buttolph Petition included: Edward Buttolph and his council Tad Powers, Mr. Buttolph's logger Dennis Roger, Mr. Buttolph's hired consultant Andy Carlo of Fountains Forestry, Linda Vantine and her council David Barra, and council for the Town, Charles Merriman

Guests giving evidence tonight were sworn in by Charles Merriman.

The following includes discussion only as a formal decision of tonight's testimony will be part the December 17, 2012 written decision of the selectboard, which will be provided by the town's attorney.

- The land Buttolph want to log was owned prior by Jonathan Larsen. The property has access from Route 100B and from Route 2, but the contour of the land is such that ledge and (stream) gullies divide sections of the 100 – 125 acres to be logged, make it difficult/preventing to have skid roads. Mr. Buttolph considers it financially necessary to use Ms. Vantines property for skidding logs. Mr. Buttolph was aware of the contour of the property and the lack of access before he purchased it.
- Buttolph petitioned the selectboard to lay out a temporary logging road across the Ronner property in 2007. That petition was denied by the selectboard.
- Buttolph had a License Agreement in 2010 with Vantine to use her property, but it ran out before all the logging was complete and Vantine will not renew the License. She was paid \$5,000 by Buttolph for the use of her property, plus a damage bond. The damage bond has since been refunded.
- The job was closed out as though it was a temporary closure. Bridges and culverts were not removed (at Vantine's request according to Buttolph), and waterbars were such that the road could be used by a hunting vehicle.
- Maps 1, 2, and the License Agreement were submitted tonight as evidence by Buttolph.
- If the selectboard approves this request, Buttolph would pay a forester to inspect the close out.
- Buttolph commented about the value of the timber versus the taxes he pays – the timber was cut last 40 years ago – and the property is more for pleasure than an investment.
- Total acreage is 408 +/- acres.
- Buttolph has insurance if something goes wrong and would escrow again for any damages.

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- Log trucks weight about 40,000 #'s and would be using Longley Road. Logging equipment would be the same as was used last time.
- The current skid road would be widened in “troublesome” areas to make it safer for the machine and the machine operator.
- Buttolph has only spoken with Treavor Clark about using his property to skid logs, but he would still have to cross Vantine property to get the timber out.
- The logger is familiar with the Eldredge and Tomasso property saying the most practical way to get the logs out is through Vantine, because there is no way to go through the brook bed – 200’ sheer cliff.
- Logger was working on another job for Buttolph and was unable to get to this job before the License ran out. Buttolph would not hire another logger
- Wet ground conditions and Tropical Storm Irene washing out bridges were also contributing factors for not getting the logging done during the prior License term.
- The foresting consultant Andy Carlo said working with surrounding landowners is necessary when logging in this area of Vermont, in order to access forests that need to be logged. He also inspected the closeout, saying it was ok for a temporary closeout. Andy had ideas to lessen stream impacts if the same bridges were to be used again.
- “Necessary” seemed to be the key factor in the selectboard’s decision whether or not to approve the petition. There was discussion about the definition of necessary.
- Both attorneys were in agreement that it would be helpful to be able to submit memorandums – and that the 10 day statutory limitation could be extended by the selectboard. The board extended the 10 day deadline to make their decision on the petition until 12/17/12, in order to receive additional testimony. Any memorandums/testimony must be submitted directly to the selectboard by 12/10/12.

The hearing ended at 9:00 p.m. and guest left.

Tom moved; seconded by Reed, to enter into executive session at 9:05 p.m., to discuss with the towns attorney the petition, evidence heard tonight, and for guidance about how to proceed, whereby premature public knowledge could place the town or persons involved in the petition at a disadvantage. Charles Merriman and the board’s assistant were invited to stay. All were in favor.

Tom moved; seconded by Reed to come out of executive session at 9:15 p.m. All were in favor.

2013 budget work – Tom reported meeting with various town departments about their budgets.

Martin Cameron provided a draft of the highway budget, which was reviewed and revised tonight. There was a significant increase made to the gravel budget so the highway department could begin resurfacing town roads and to the culvert budget to replace failed or failing plastic culverts with steel ones.

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John Deere tractor repair/replacement – The John Deere tractor needs significant repairs or to be replaced. Martin provided quotes for a new tractor, snowblower and mower as follows:

John Deere	\$12,250
Kubota	\$14,500
Kubota	\$18,800

All prices are after trade-in.

The current tractor is a 2007, purchased for \$19,740 (with implements).

Budget work will continue on 11/26/12.

New Business:

Quotes for FEMA audit – Requests for proposals were sent to at least three accounting companies to do a full audit of the 2012 financials as is required by FEMA because over \$500,000 was spent on flood repairs.

Quotes received from Pace & Hawley and Sullivan, Powers were reviewed as follows.

Sullivan Powers	\$11,000
Pace & Hawley	\$14,950 - \$17,450

Tom moved; seconded by John to hire Sullivan, Powers & Co. for a sum of \$11,000 to do the single FEMA audit of financials ending 12/31/12. All were in favor.

Review invoices and approve selectboard orders - Warrant numbers #73, 74 and 75 were approved.

Other documents approved tonight were –

A line of credit - with the Merchants Bank for \$750,000. The line of credit will be used to pay for expenses related to the replacement of bridge #41 until the FEMA reimbursement is received.

Structures AOT grant – Vtrans agreed to give Moretown a grant for \$39,400, which represents 90% of the shortfall from actual costs versus flood reimbursement to purchase and install box culverts on Ward Brook Road. Tom Anderson will pick up the grant application tomorrow.

Tom moved; seconded by Clark to adjourn at 10:20 p.m. All were in favor.